IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1187 OF 2006
IN
APPEAL (LODG) NO. 90 OF 2006
IN
ARBITRATION PETITION NO. 189 OF 2005

M/s. Jay Constructions] .. Appellant (Ori.Respondent)

Versus

Union of India] .. Respondent (Ori.Petitioner)

Mr. R.K. Singh for the applicant - appellant.

Mr. Suresh Kumar for the respondent.

CORAM: R.M. LODHA &
S.R. SATHE, JJ.

DATED: 01ST SEPTEMBER, 2006

P.C. :

. The appellant is in Appeal against the order dated 29th November, 2003 passed by the learned Single Judge in Arbitration Petition. Appeal suffers from delay of 37 days and hence by this Notice of Motion the appellant prays for condonation of delay.

2. In the Affidavit in support of the Notice of Motion, it is stated that though application for

obtaining certified copy of the order dated 29th November, 2005 was made on the next day i.e. 30th November, 2005, however, due to wrong mentioning of the Petition number, the certified copy was not made available to the appellant. On enquiry it came to their notice on 19th December, 2005 that the Petition number has wrongly been mentioned in the application. Accordingly, necessary correction was made and certified copy was obtained on 23rd December, 2005. The Constituted Attorney of the appellant was bed ridden for the period from 10th January, 2006 to 20th January, 2006 and that resulted in delay.

3. There is no challenge to the aforestated facts by the respondent. No reply Affidavit has been filed and the facts stated in the Affidavit in support of the Notice of Motion remain untraversed.

4. We are satisfied that the explanation given by the appellant explains the delay of 37 days.

5. We, accordingly, condone the delay in filing the Appeal.

6. Office is directed to process the Appeal and post it for admission as soon as it is numbered.

. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.R. SATHE, J.]